

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

ROBERT RAY LAWRENCE,

Plaintiff,

vs.

JIM SALMONSEN (WARDEN), TOM  
WOOD (ASSO. WARDEN),  
ROXANNE WIGERT, ALVIN FODE,  
GARY REED, and BEN SHUPERT,

Defendants.

**CV 18-76-GF-BMM-JTJ**

**ORDER ADOPTING MAGISTRATE  
JUDGE'S FINDINGS AND  
RECOMMENDATIONS**

Plaintiff Robert Ray Lawrence, a prisoner proceeding without counsel, has filed a Motion Seeking Immediate Injunction (Doc. 6.) and a Motion to Amend Defendant List (Doc. 7.) Lawrence claims Defendants are violating his rights under the Eighth Amendment Cruel and Unusual Punishment Clause, the Fourteenth Amendment Due Process Clause, and the Americans with Disabilities Act by: (1) failing to protect him from harm; (2) failing to house him according to his due process rights; (3) failing to consider his mental health disability and putting others at risk; (4) neglecting his mental health; (5) showing callous disregard by implying

that he should get into trouble to get what he wants; and (6) acted with deliberate indifference. (Doc. 2 at 1-2.)

Because Lawrence is a prisoner proceeding in forma pauperis, Magistrate Judge John Johnston was required to review Lawrence's Complaint under 28 U.S.C. §§ 1915, 1915A. Sections 1915A(b) and 1915(e)(2)(B) require a complaint filed in forma pauperis to be evaluated before it is served if to determine whether it is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief.

Magistrate Judge John Johnston issued Findings and Recommendations in this matter on August 1, 2018. (Doc. 8.) Judge Johnston determined that Lawrence's Complaint failed to state a claim, and accordingly recommended denial of Lawrence's Motion to Amend Defendant List (Doc. 7.) Judge Johnston further determined that the defects in Lawrence's claims under the Americans with Disabilities Act and either Amendment could be cured with additional facts. Finally, Judge Johnston recommended that Lawrence's Motion Seeking Immediate Injunction (Doc. 6) be denied. (Doc. 8 at 20.)

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656

F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 8), are **ADOPTED IN FULL**.

DATED this 13th day of November, 2018.



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Brian Morris  
United States District Court Judge